



## National Rifle Association of America

Institute for Legislative Action

11250 Waples Mill Road

Fairfax, Virginia 22030-7400

Chairperson Lena Taylor

Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing

411 South

State Capitol

Madison, WI

Chairperson Taylor,

January 7, 2010

The National Rifle Association has long stood behind and supported legislation to protect shooting ranges in Wisconsin. We were very involved in the previous Range Protection legislation that was passed by this legislature. It is vitally important to this state that shooting ranges are protected so that, not only the public at large, but our law enforcement community as well as our military, has a safe environment to practice shooting their firearms.

Even with the enactment of the previous Range Protection legislation, some of the shooting ranges in this great state are under attack by individuals who, for one reason or another, don't like or want the ranges in their neighborhood. These are people who moved into neighborhoods where the ranges already existed and knew that before moving, or realized it after they moved and demanded their immediate closure. Some of these individuals have endless amounts of money and can bankrupt some of these ranges through various types of litigation or force closures of these ranges through crafty politicking with local zoning boards.

While it has been made clear through some of the testimony presented today that there is a necessary fix needed to protect some of these ranges that are under attack, the National Rifle Association is concerned that the language of SB 424 presented before the committee today will not address these problems accurately. Due to these concerns we cannot lend our support to this legislation.

One area of major concern is section 167.29(3)(b) which includes a list of things that ranges can do. The National Rifle Association feels that this provision will be taking a step in the wrong direction. A sport shooting range can do any and all things that are not prohibited by law. As long as the action isn't illegal, it doesn't require affirmative statutory authorization. This proposed change to statute seems to be a backwards and almost detrimental approach to dealing with the problems at hand.

The National Rifle Association would very much like to assist in helping to protect shooting ranges, but we are concerned that the legislation presented before the committee would, in its current form, be more detrimental to ranges, than helpful. We would very much like to assist the bill author and all other interested parties in drafting an amendment or committee substitute that would accurately deal with the concerns of the threatened ranges without placing undue limitations or restrictions on other existing ranges.

If the committee has any questions I can be easily contacted by email and will provide the committee with additional information as requested. Thank you for your time and consideration.

Jordan Austin

Wisconsin State Lobbyist

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NRA-ILA

# WI-FORCE

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Dear Senator Taylor,

January 7, 2010

Range protection is important for every citizen of the State.

SB 424 is a bill intended to protect ranges from harassment and assure that Wisconsin citizens have adequate number of places to exercise their 2nd Amendment Rights. However we do have some concerns about how this bill is drafted.

As the President of the State Association, a Nationally Certified Range Technician, and a Training Counselor, I support legislation that protects our ranges. The citizens of our State need an appropriate, convenient place to practice the safe use of firearms.

Ranges, and protecting them is critical to every citizen in the State. Having a safe, convenient, local facility is a big part of keeping firearm accidents minimal. Everyone benefits when local ranges allow citizens to have a safe place to practice, learn or teach firearm safety.

Currently we have an incredible safety record based on the rare instance of accidents, not only at ranges but when firearms are used hunting, practicing or in self defense. Local ranges help continue to improve this safety record. Although some private individuals have enough land or proper location that can be used to safely discharge firearms, most do not. Ranges are designed to safely allow large amounts of rounds to be fired on a small amount of land. Ranges are also a place where shooters teach and learn firearm safety, both formally as in classes to informally by the operating procedures, observation of others and activities at the range.

As a teacher, I can tell you that repetition is the key to doing things correctly. Ranges offer continual reminders of the proper use of firearms. By just being at a range and following the standard operating procedures, helps reinforce safety. Ranges also host courses from basic instruction through advanced specialized instruction and hunter safety courses. Matches and other activities all use the ranges safety rules, with some activities having additional requirements. I have always encouraged hunters, as an example, to start practicing months before deer season. Common sense tells us that hunters that only take their rifle out once to site it in and then use it during the nine day gun season cannot be as familiar with safe gun handling as someone that practices safe gun handling on a regular basis.

If going to the range is not convenient, most will practice less or utilize places not designed for the amount of rounds that are fired. Range protection is needed in the entire state. As a Range Technician, I recently worked on a remote Wisconsin County Range case that you would think would be in an ideal location. That range was located on a 1000-acre plot of land, surrounded by a small mixture of sparsely populated private land and 40,000 more acres of County property. They were asking for information to improve safety and reduce noise due to concerns from neighbors. Having visited many ranges in Wisconsin, I can tell you that this range is secluded compared to most.

We offer our help in drafting range protection legislation that will continue to give the citizens of Wisconsin convenient access to a safe place to learn, teach, practice, enjoy and compete using firearms. I personally am available to advise as to details pertaining to education and technical range issues. We defer the critiquing of the language to the professionals at the National Rifle Association.

Sincerely,

Jeff Nass  
President

**WI-FORCE**

Support our Troops!

National Rifle Association Chartered Organization

*SB 424 Shooting Range Protection Act  
Committee Testimony*

*Senator Pat Kreitlow  
January 7, 2010*

Thank you for allowing me to speak today on Senate Bill 424, the Shooting Range Protection Act.

The idea for this bill was brought to me by a constituent who, frankly, was a little hesitant about approaching me... not knowing if I had a particular stance regarding guns, hunting, shooting sports, Second Amendment concerns, zoning, land use or urban sprawl.

But if there's one thing he learned about me... and one thing I hope you take away from the testimony on SB 424, it is this: you can't move next to an airport and complain about the noise. You can't move next to a farm and complain about the smell. You cannot move within earshot of an established shooting range and seek to have it shut down or prevent it from continuing to operate like any other law-abiding concern.

Established shooting ranges are legally operating entities that provide a place for practice, recreation and social interaction among hunters, sport shooters, families and people who want to find out if these activities are right for them. Yes, there are those who have the luxury of setting up some tin cans on fence posts out in their fields... but for the vast majority of Wisconsin residents, shooting ranges are the safer, cleaner, better regulated alternative.

Shooting ranges that have operated properly for decades are now facing the threat of shutting down because of urban sprawl and the regulations that come from encroaching development. Neither I nor most of the people who use shooting ranges are opposed to responsible development. But responsible development, by definition, means giving deference to legal and responsible entities that were in operation before your development came on the scene. That's why this bill is necessary: to provide protections to ranges that were in existence on or before July 18, 1998, when state laws were updated and standards were established for more recently constructed ranges.

This is about the continued operation, repairs, remodeling and expansions of these ranges. It clarifies the standards by which local governments can designate that current ranges may be a clear safety hazard to the public. It gives ranges an opportunity to repair those safety defects so they can stay in operation.

And in a time where it is right to encourage new generations of hunters and encourage supervised instruction on the safe operation of firearms, this bill is good for sportsmen and women, hunters, families and the communities that depend on clarity and consistency regarding state rules on facilities like these.

Thank you, again, and I'd be happy to take your questions or comments.

## STEVEN H. GIBBS

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### 2nd Amendment Credentials

- Partner is Hertel & Gibbs, S.C. – Law Firm in Eau Claire, WI
- Represent over 30 gun clubs and ranges in all kinds of litigation
- Represented hundreds of firearm owners
- Completed 60 hour Certified Range Technical Course
- Lecturer on Firearms subjects to Wisconsin Association of Criminal Defense Lawyers (WACDL)
- Former Wisconsin Rifle & Pistol Association Board of Director
- Chippewa County Public Shooting Range and Firearms Training Facility – Board Chair & Committee Member
- Chief Range Safety Officer – Chippewa County
- Certified Firearms Instructor in 6 disciplines

**Current Law:** Under current law, a person who owns or operates an area designed and operated for the use and discharge of firearms (sport shooting range) is immune from civil liability relating to noise and is not subject to an action for nuisance or to zoning conditions related to noise. Current law also provides that if a sport shooting range lawfully existed on June 18, 1998 (existing range), it may continue to operate as a sport shooting range at that location even if certain zoning ordinances or laws regulating the discharge of firearms would otherwise prohibit the operation of the sport shooting range. (See Wis. Stat. 895.527 – Range Protection Act)

**Problems:** Most clubs and ranges built in the 1950's and 1960's.

1. Urban Sprawl: Clubs & ranges built in rural areas. Now people moving to ranges.
2. Less safe places for people to shoot: Rural areas gone and people going to ranges to shoot instead of back yards.
3. Non Conforming Zoning: Most clubs built in agriculture areas when no zoning existed. Now, all are non-conforming zoning
4. New Requirements for Conditional Use Permits: Most zoned municipalities now require the clubs to apply for CUP's if they want to repair or add on to their ranges and be under CUP instead of the protections of 895.527.
5. Law Suits Regarding Safety: trying to shut down ranges as the ranges cannot repair or improve their property and ranges without CUP's and municipal approval.

**Why this bill should become law?**

This bill provides that the owner or operator of an existing range may repair, remodel, or reinforce any building on the range for the purpose of public safety or to ensure continued use of the building.

The bill also specifies that the owner or operator may reconstruct, repair, or rebuild a building on the range that is damaged by certain natural causes if the damage occurs after the bill's effective date.

The bill also allows the owner to expand the membership or facilities of the range, and allow sport shooting activities that are consistent with generally accepted operation practices for those activities.

This bill also prohibits a state agency, political subdivision, or court from requiring the closure of an existing range unless the state agency, political subdivision, or court finds that the range presents a public safety hazard to the surrounding community and the owner is given at least three opportunities to eliminate the hazard.

The state agency, political subdivision, or court must also allow the owner of the range to relocate the range to any property where the operation of a sport shooting range is an allowable use of the property. If the owner relocates the range as required by a state agency or political subdivision, the state agency or political subdivision must acquire the property by condemnation unless the state agency does not have condemnation authority. In that case, the state agency must purchase the range in the amount stated on an appraisal furnished by the owner of the range.

**SECTION 1.** 167.29 (title) of the statutes is created to read:

**167.29 (title) Regulation of sport shooting ranges.**

**SECTION 2.** 167.29 (1) of the statutes is created to read:

**167.29 (1)** In this section:

- (a) "Political subdivision" means a city, village, town, or county.
- (b) "Sport shooting range" has the meaning given in s. 895.527 (1).
- (c) "State agency" means any office, department, independent agency, or attached board or commission within the executive branch of state government, or any special purpose authority created by statute.

**SECTION 3.** 167.29 (3) (b) of the statutes is created to read:

**167.29 (3) (b)** The owner or operator of a sport shooting range described under par. (a) may do all of the following:

1. Repair, remodel, or reinforce any building, structure, or other improvement on the sport shooting range for the purpose of public safety or to ensure continued use of the building, structure, or other improvement.
2. Reconstruct, repair, or rebuild a building, structure, or other improvement on the sport shooting range that is damaged by fire, collapse, explosion, act of God, or act of war occurring on or after the effective date of this subdivision .... [LRB inserts date].

3. Expand or enhance the membership of the sport shooting range.
4. Expand or enhance public participation at the sport shooting range.
5. Reasonably expand the facilities of, or activities conducted at, the sport shooting range.
6. Allow sport shooting activities at the sport shooting range that are consistent with generally accepted operation practices for those activities.

SECTION 4. 167.29 (7) of the statutes is created to read:

167.29 (7) (a) No state agency, political subdivision, or court may require the closure of a sport shooting range that exists on June 18, 1998, and that is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35, or 62.23 (7) that is in effect on June 18, 1998, unless all of the following apply:

1. The state agency, political subdivision, or court finds, after an evidentiary hearing, that the sport shooting range presents a public safety hazard to the surrounding community.
2. The state agency, political subdivision, or court has given the owner of the sport shooting range at least 3 opportunities to eliminate the public safety hazard. No deadline may be imposed upon the owner to eliminate the public safety hazard.

(b) 1. If a state agency, political subdivision, or court requires the closure of a sport shooting range under par. (a), it shall allow the owner of the sport shooting range to relocate the sport shooting range to any property where the operation of a sport shooting range is an allowable use of the property.

2. If the owner of a sport shooting range relocates his or her sport shooting range as required by a state agency or a political subdivision, the state agency or political subdivision shall acquire the property by condemnation in the manner prescribed under ch. 32. If closure of the sport shooting range is required by a state agency that does not have condemnation authority under s. 32.02, the state agency shall purchase the sport shooting range from the owner for an amount equal to the sum of the value of the land and the improvements on the land as stated on an appraisal furnished by the owner. The state agency or the political subdivision shall pay the costs of the appraisal.

SECTION 5. 895.527 (title) of the statutes is amended to read:

**895.527 (title) Sport shooting range activities; limitations on Civil liability and restrictions on operation exemption; sport shooting ranges.**

SECTION 6. 895.527 (3) of the statutes is renumbered 167.29 (2).

SECTION 7. 895.527 (4) of the statutes is renumbered 895.527 (3) (a) and amended to read:

895.527 (3) (a) Any sport shooting range that exists on June 18, 1998, or that is relocated as authorized under s. 167.29 (7) (b), may continue to operate as a sport shooting range at that location notwithstanding any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the sport shooting range is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69,

60.61, 60.62, 61.35 or 62.23 (7) that is in effect on June 18, 1998.

**SENATE BILL 424 SECTION 8**

**SECTION 8.** 895.527 (5) of the statutes is renumbered 167.29 (4).

**SECTION 9.** 895.527 (6) of the statutes is renumbered 167.29 (5).

**SECTION 10.** 895.527 (7) of the statutes is renumbered 167.29 (6).